

CM/ECF Administrative Procedures Manual

Electronic Means for Filing, Signing and
Verification of Documents

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI



“Leading the Way to Electronic Case Filing”

November 18, 1997

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ADMINISTRATIVE PROCEDURES

I. REGISTRATION FOR THE ELECTRONIC FILING SYSTEM (“System”)

A. Designation of Cases

Beginning October 1, 1999 all cases shall be assigned to the Electronic Filing System.

B. Passwords

Each attorney admitted to practice in this Court and currently in good standing shall be entitled to one System password to permit the attorney to participate in the electronic retrieval and filing of pleadings and other documents in accordance with the System.

Registration for a password is governed by paragraph I.C.

C. Registration

1. A registration form, in the form attached, shall be submitted for each attorney. The attached form may be duplicated for use. This form is also available on our web site at: www.mow.uscourts.gov.
2. All registration forms shall be mailed or delivered to the Office of the Clerk, Charles Evans Whittaker United States Courthouse, Room 2710, 400 East Ninth St., Kansas City, Missouri 64106; ATTN: Attorney Admissions; or Office of the Clerk, 1400 U.S. Courthouse, 222 John Q. Hammons Parkway, Springfield, MO 65806 or Office of the Clerk, P. O. Box 1340, Jefferson City, MO 65102.
3. Each attorney registering for the System will receive an internet e-mail message after their password has been assigned. This is to insure that the attorney’s internet e-mail address has been entered correctly in the CM/ECF system. The password information will then either be mailed to the attorney by regular, first-class mail; or the attorney may arrange to pick up their password at the Office of the Clerk.
4. Attorneys will now be able to change their own passwords. In the event that an attorney believes that the security of an existing password has been compromised and that a threat to the System exists, the attorney shall change his password immediately. In addition, the attorney shall give immediate notice by telephonic means to the Clerk of Court, Chief Deputy Clerk or Systems Department Manager and confirm by facsimile in order to prevent access to the System by use of the old password.

II. ELECTRONIC FILING AND SERVICE OF DOCUMENTS

A. Filing

1. Except as expressly provided for in paragraph III.A., below, all documents required to be filed with the Court in connection with a case assigned to the System shall be electronically filed on the System.
2. All documents which form part of a pleading and which are being filed at the same time and by the same party may be electronically filed together under one docket number, e.g., the motion and a supporting affidavit, with the exception of suggestions in support. Suggestions in support should be electronically filed separately and shown as a related document to the motion.
3. If the document you wish to file requires leave of court such as an amended complaint or a document to be filed out of time, the proposed document shall be attached as an exhibit to the motion. If your motion is granted, the order will direct you to electronically file it with the court.

B. Options for Filing a Complaint:

1. If you file your complaint before 2:00 p.m., present the Clerk's office with a Civil Cover Sheet (JS-44c) and the complaint which lists the case party information and a check, money order or credit card in the amount of \$150.00, OR fax the civil cover sheet, complaint and pay the filing fee over the phone by credit card. The Clerk will open your case and notify you by phone that your case is open and it is available for you to electronically file your complaint.

OR

2. You may present us with a Civil Cover Sheet (JS-44c), check, money order or credit card in the amount of \$150.00 and your complaint in adobe .pdf format on a disk. This is an option always available to you **BUT IS MANDATORY AFTER 2:00 P.M.**

C. Service

1. The electronic Case File system will generate a "Notice of Electronic Filing" when any document is filed. The filing party is obligated to serve this "Notice of Electronic Filing" upon all other parties at that time. This service can be accomplished by e-mail. In addition, a paper copy of the electronically filed pleading or other document shall be (I) sent to the chambers of the presiding judge in the case, together with a copy of the "Notice of Electronic Filing" unless and until the judge assigned to the case orders otherwise, [see

Who Wants Paper? on our CM/ECF home page] and (II) served on those parties not designated or able to receive electronic notice but nevertheless entitled to notice of said pleading or other document in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Western District of Missouri except as otherwise provided by order of the Court. If such service of a paper copy is to be made, it shall be done in the manner provided in the Federal Rules of Civil Procedures and the Local Rules of the Western District of Missouri.

2. Except as provided in Paragraph III.B., below, for paper documents or documents filed on 3.5 inch floppy disk, the filing party shall not be required to serve any pleading or other documents (other than the "Notice of Electronic Filing" generated by the System) on any party entitled to electronic notice.

D. Signatures; Affidavits of Service

1. Documents which must contain original signatures or which require either verification or an unsworn declaration under any rule or statute, shall be filed electronically with originally executed copies maintained by the filer. The pleading or other document electronically filed shall indicate a signature, e.g., "s/Jane Doe".
2. In the case of a stipulation or other document to be signed by two or more persons, the following procedure should be used:
 - (a) The filing party or attorney shall initially confirm that the content of the document is acceptable to all persons required to sign the document and shall obtain the physical signatures of all parties on the document.
 - (b) The filing party or attorney then shall file the document electronically, indicating the signatories, e.g., "s/Jane Doe," "s/John Doe," etc.
 - (c) The filing party or attorney shall retain the hardcopy of the document containing the original signatures as provided by paragraph 4(b) of the Court En Banc Order of November 6, 1997.
 - (d) No later than the first business day after the document has been electronically filed, each person required to sign the document shall file a Notice of Endorsement [see attached form] of the document. The document shall be deemed fully executed upon the filing of all Notices of Endorsement that are due.

E. Orders

All signed orders shall be filed electronically by either the presiding judge in the case or the office of the Clerk.

PROPOSED ORDERS PROCEDURE

A document that is submitted in .pdf format cannot be modified, therefore, a proposed order must be in a word processing format. To accomplish that, all proposed orders must be e-mailed to the courtroom deputy for the presiding judge in your case IN WORDPERFECT FORMAT which is available in most word processing software. Please attach your proposed order to an internet e-mail sent to the appropriate courtroom deputy as listed below:

Chief Judge Dean Whipple	Yvonne Johnson	yvonne.johnson@mow.uscourts.gov
Judge Fernando Gaitan, Jr.	Rhonda Enss	rhonda.enss@mow.uscourts.gov
Judge Ortrie Smith	Eva Will-Fees	eva.will-fees@mow.uscourts.gov
Judge Gary Fenner	Tracy Diefenbach	tracy.diefenbach@mow.uscourts.gov
Judge Nanette Laughrey	Renea Kanies	renea.kanies@mow.uscourts.gov
Judge Scott Wright	Carolyn Morrison	carolyn.morrison@mow.uscourts.gov
Judge Howard Sachs	Tenilla Sheehan	tenilla.sheehan@mow.uscourts.gov
Chief Magistrate John Maughmer	Francine Lavenbarg	francine.lavenbarg@mow.uscourts.gov
Magistrate James England	Alex Martinez	alexandra.martinez@mow.uscourts.gov
Magistrate William Knox	Jackie Price	jackie.price@mow.uscourts.gov
Magistrate Robert Larsen	Sue Anderson-Porter	sue.anderson-porter@mow.uscourts.gov
Magistrate Sarah Hays	JoRita Gicinto	jorita.gicinto@mow.uscourts.gov
Prisoner Pro Se	Dana Weinzerl	dana.weinzerl@mow.uscourts.gov

In addition, if you have any questions regarding your case, you may direct your inquiry via e-mail to the appropriate courtroom deputy whose address is listed above.

F. Title of Docket Entries

The person electronically filing a pleading or other document will be responsible for designating a title for the document by using one of the categories contained in the attached Listing of Events.

III. CONVENTIONAL FILING OF DOCUMENTS

A. Conventional Filings. The following documents shall be filed conventionally and not electronically unless specifically authorized by the Court:

1. Transcripts;
2. Document(s) to be filed under seal. However, a motion to file documents under seal shall be filed electronically. The order of the Court authorizing the filing of such document(s) under seal shall be filed electronically by the presiding judge and shall indicate that the motion to file documents under seal has been "so ordered" in accordance with Paragraph II.E., above. A paper copy of the order shall be attached to the document(s) under seal and be delivered to the Office of the Clerk; and
3. Exhibits to filed documents, such as leases, notes and the like, which are not available in electronic form. However, exhibits to filed documents can be electronically imaged and filed using Portable Document Format (PDF). Whenever possible, the attorney should extract and file electronically the relevant portions of conventionally produced documents.
4. When attachments and exhibits are being filed in paper format and are greater than 10-15 pages, a one page **.pdf** document titled *Notice of Attachment (Or Exhibit)* must be attached, using the same steps described above for an exhibit, to the pleading in the electronic case file so that there will be a notation on the docket sheet that exhibits are being held in the clerk's office in paper. (Please see sample attached). If attachments and exhibits are filed in paper format, you must provide an original for the Clerk's office, a copy for the Judge and a copy must be served on all parties in the case.

B. Service of Conventional or 3.5 Inch Floppy Disk Filings

Pleadings or other documents which are filed conventionally or on 3.5 inch floppy disk rather than electronically shall be served in the manner provided for in, and on those parties entitled to notice in accordance with, the Federal Rules of Civil Procedure and the Local Rules of the Western District of Missouri except as otherwise provided by order of the Court.

IV. PUBLIC ACCESS TO THE SYSTEM DOCKET

A. Internet Access without a Password

Any person or organization with a PACER login and password other than those referred to in paragraph I.B. may access the System at the Court's Internet site at <http://ecf.mowd.uscourts.gov>. Such access to the System through the Internet site will allow retrieval of the docket sheet and documents on a time delayed basis. Unless a user has a CM/ECF filing level account, access to the System will be on a "read only" basis.

B. Public Access at the Court

The public will have electronic access to the documents filed in the System and to the System docket in the Office of the Clerk, for viewing during regular business hours, Monday through Friday

C. Conventional Copies and Certified Copies

Conventional copies and certified copies of the electronically filed documents may be purchased at the Office of the Clerk, during business hours Monday through Friday. The fee for copying and certification will be in accordance with 28 USC section 1930.

V. Technical Failures

The Clerk shall deem the WDMO Public Web site to be subject to a technical failure on a given day if the Site is unable to accept filings continuously or intermittently over the course of any period of time greater than one hour after 12:00 noon that day, in which case filings due that day which were not filed due solely to such technical failures shall become due the next business day. Such delayed filings shall be rejected unless accompanied by a declaration or affidavit attesting to the filing person's failed attempts to file electronically at least two times after 12:00 p.m. separated by at least one hour on each day of delay due to such technical failure. If you have questions about CM/ECF, please call our Help Desk at 1-800-466-9302.

CM/ECF Document Type Tables for Attorneys

Initial Pleadings & Service**Complaints and Other Initiating Documents**

Amended Complaint
 Bankruptcy appeal
 Complaint
 Complaint (Intervenor)
 Complaint (Third-Party)
 Counterclaim
 Crossclaim
 Notice of removal
 Transfer in

Service of Process

Return of service
 Return of service of complaint executed
 Return of service of complaint executed on USA
 Return of service of complaint unexecuted
 Waiver of service of summons

Answer to Complaint**Other Answers**

Amended answer
 Answer to complaint
 Answer to notice of removal
 Objections to Report and Recommendation
 Objections to bill of costs
 Reply to objections to bill of costs
 Response to order
 Response to reply to objections to bill of costs
 Traverse

Motions & Related Filings**Motions**

Motion for TRO
 Motion for appointment of counsel
 Motion for approval of settlement
 Motion for attorney fees
 Motion for certification of appealability
 Motion for class certification
 Motion for consent judgment
 Motion for default
 Motion for disbursement/distribution
 Motion for excess pages
 Motion for extension of time
 Motion for extension of time to answer amended complaint
 Motion for extension of time to answer complaint
 Motion for extension of time to answer third-party complaint

(Motions continued)

Motion for extension of time to complete discovery
 Motion for order to show cause
 Motion for partial summary judgment
 Motion for permanent injunction
 Motion for preliminary injunction
 Motion for protective order
 Motion for reconsideration
 Motion for sanctions
 Motion for separate mental examination
 Motion for summary judgment
 Motion for verdict as matter of law (directed)
 Motion for writ
 Motion in limine
 Motion to alter/amend
 Motion to amend
 Motion to change/transfer venue
 Motion to clarify
 Motion to compel
 Motion to consolidate cases
 Motion to continue
 Motion to dismiss case
 Motion to dismiss party
 Motion to disqualify judge
 Motion to enforce
 Motion to exclude
 Motion to intervene
 Motion to intest funds
 Motion to join
 Motion to lift stay
 Motion to produce
 Motion to quash
 Motion to remand case
 Motion to seal case
 Motion to seal document
 Motion to set aside judgment
 Motion to unseal case
 Motion to unseal document
 Motion to vacate (2255)
 Motion to withdraw document
 Motion to withdraw/substitute attorney

CM/ECF Document Type Tables for Attorneys

(Motions & Related Filings continued)**Suggestions/Responses/Replies**

Objections to Report and Recommendation
Reply suggestions
Response to motion
Suggestions in opposition
Suggestions in support

Other Filings**ADR Documents**

Designation of neutral

Appeal Documents

Appeal number info from USCA
Appellants brief (Bankruptcy appeal)
Appellants reply brief (Bankruptcy appeal)
Appellees brief (Bankruptcy appeal)
Delivered to USCA
Notice of Appeal to circuit court
Notice of Bankruptcy appeal

Discovery Documents

Certificate of service
Certificate of service of initial Rule 26 disclosures
Certificate of transmission of deposition
Notice of deposition
Proposed scheduling order

Notices

Address change notice
Attorney appearance
Designation of neutral
Judgment satisfaction
Lis Pendens
Notice of Magistrate assignment returned
Notice of endorsement
Notice of filing bankruptcy
Notice of publication
Proposed bill of costs
Settlement notice
Statement of corporate interest
Suggestions of death

(Other Filings continued)**Other Documents**

Acknowledgement
Affidavit/Declaration
Appeal to District Court Judge
Civil Cover Sheet
Consent to proceed before magistrate
Memorandum
Notice of filing
Petition for Writ of Habeas Corpus
Petition for Writ of Mandamus
Petition for mental status
Proposed scheduling order
Receipt for settlement proceeds
Release
Sealed document
Statement of facts
Status Report
Stipulation
Stipulation of dismissal
Supplement

Trial Documents

Designation
Jury demand
Proposed exhibit list
Proposed findings of fact
Proposed jury instructions
Proposed voir dire
Proposed witness list
Trial brief

Social Security Events

Defendants Social Security brief
Plaintiffs Social Security brief
Plaintiffs Social Security reply brief
Social Security Transcript Remark
Social Security notice
Submission of administrative record
Supplemental Social Security transcript

Social Security Complaint**Social Security Answer**

SAMPLE FORMAT

***IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
DIVISION***

_____,)
)
Plaintiff(s),)
)
vs.) Case No. _____
)
_____,)
)
Defendant(s).)

NOTICE OF ENDORSEMENT

Pursuant to the ECF Procedures Manual, Section C.2.(d), _____ (Pla or Dft)

hereby certifies that my original signature was placed on the following document which was filed electronically
on _____:

G Joint Proposed Scheduling Order
G Stipulation of Dismissal
G Joint Motion for _____
G Other: _____

Attorney for (Plaintiff or Defendant)
Address: _____

Date: _____

SAMPLE F O R M A T

***IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
_____ DIVISION***

_____)	
)	
Plaintiff(s),)	
)	
vs.)	Case No. _____
)	
_____)	
)	
Defendant(s).)	

NOTICE REGARDING EXHIBIT ATTACHMENT

Exhibit _____ which is an attachment to _____

is in paper form only and is being maintained in the case file in the Clerk's office.

Attorney for (Plaintiff or Defendant)
Address: _____

Date: _____

**United States District and Bankruptcy Courts
Western District of Missouri**

**Case Management/Electronic Case Files
Attorney/Participant Registration Form**

LIVE SYSTEM

This form shall be used to register for an account on the Court's Case Management/Electronic Case Files (CM/ECF) system. Registered attorneys and other participants will have privileges both to electronically submit documents, and to view and retrieve electronic docket sheets and documents for all cases assigned to the CM/ECF system. The following information is required for registration:

First/Middle/Last Name _____

Last four digits of Social Security Number _____

Attorney Bar #: _____ State: _____

Firm Name _____

Firm Address _____

Voice Phone Number _____

FAX Phone Number _____

Internet E-Mail Address _____

Please specify which court you are registering in (or both):

_____ District _____ Bankruptcy

By submitting this registration form, the undersigned agrees to abide by the following rules:

1. This system is for use only in cases permitted by the U.S. Courts for the Western District of Missouri. It may be used to file and view electronic documents, docket sheets, and notices.
2. At this time, the requirements for filing, viewing, and retrieving case documents are: a personal computer (486 minimum) running a standard platform such as Windows, Windows 95, or Macintosh, an Internet provider using Point to Point Protocol (PPP), Netscape Navigator software version 4.5, 4.7 or 4.76 and Adobe Acrobat software version 3.0 or 4.0 to convert documents from a word processor format to a portable document format (PDF).
3. Pursuant to Federal Rule of Civil Procedure 11, Every pleading, motion, and other paper (except list, schedules, statements or amendments thereto) shall be signed by at least one attorney of record or, if the party is not represented by an attorney, all papers shall be signed by the party. An attorney's/participant's password issued by the court combined with the user's identification, serves as and constitutes the attorney/participant's signature. Therefore, an attorney/participant must protect and secure the password issued by the court. If there is any reason to suspect the password has been compromised in any way, it is the duty and responsibility of the attorney/participant to immediately notify the court. This should include the resignation or reassignment of the person with authority to use

the password. The attorney/participant should change the password immediately.

4. I hereby authorize the Court to make charge upon the credit card I have provided for any applicable fees required in conjunction with filings I make. I understand that it is my responsibility to provide the court with any changes to my credit card information and failure to do so may result in temporary loss of my login to the System.
5. An attorney's/participant's registration will constitute a waiver in law of conventional service of documents, the attorney/participant agrees to accept service of notice on behalf of the client of the electronic filing by hand, facsimile or authorized e-mail.
6. The undersigned attorney/participant agrees to abide by the most recent General Order, Administrative Procedures for Electronic Case Filing Manual and all technical and procedural requirements set forth therein.

Please return to : U.S. District Court or U.S. District Court
 Western District of Missouri 1400 U.S. Courthouse
 Attn: ECF Registrations 222 John Q. Hammons Parkway
 400 East 9th Street, Room 1510 Springfield, MO 65806
 Kansas City, Missouri 64106

or

U.S. District Court
P. O. Box 1340
Jefferson City, MO 63102

If for Bankruptcy only, please return to:

U.S. Bankruptcy Court
Western District of Missouri
Attn: Roberta Kostrow, Operations Manager
400 E. 9th Street, Room 1510
Kansas City, MO 64106

Applicant Signature

Initial of First & Last Name Last 4 Digits SS#

Subscribed and sworn to before me this _____ day of _____, 20 ____ .

Notary _____
My commission expires _____

United States District/Bankruptcy Court
Western District of Missouri
CREDIT CARD AUTHORIZATION FORM

(Attorney Name/Firm)

hereby authorizes the United States District/Bankruptcy Court for the Western District of Missouri to charge the following credit card number(s) for payment of identified Court-related expenses.

PLEASE TYPE OR PRINT

Visa Number _____ Exp. Date _____

Mastercard Number _____ Exp. Date _____

American Express _____ Exp. Date _____

Discover _____ Exp. Date _____

Name _____

Address _____

City _____ State _____ Zip Code _____

Telephone Number _____

Authorized Signatures

_____ (Signed)	_____ (Typed)
-------------------	------------------

_____ (Signed)	_____ (Typed)
-------------------	------------------

Date: _____

This form, which will be kept on file in the Clerk's Office, shall remain in effect until specifically revoked in writing. It is the responsibility of the attorney/firm named herein to notify the Clerk's office, Finance Section of the new expiration date when a credit card has been renewed, or if a card has been canceled or revoked.

